

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

LEONARD L. ADKINS,)	
Plaintiff,)	
)	
v.)	No. 3:10-cv-274
)	(Phillips/Guyton)
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
Defendant.)	

ORDER

This Social Security appeal is before the court on the report and recommendation filed by United States Magistrate Judge H. Bruce Guyton [Doc. 20]. There have been no timely objections to the report and recommendation, and enough time has passed since the filing of the report and recommendation to treat any objections as having been waived. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After a careful review of this matter, the court is in complete agreement with the magistrate judge's conclusion that the Plaintiff's Motion for Judgment on the Pleadings [Doc. 12] be **GRANTED IN PART** and **DENIED IN PART**, and that the Commissioner's Motion for Summary Judgment [Doc. 16] be **GRANTED IN PART** and **DENIED IN PART**. The court rejects Plaintiff's allegation that the ALJ erred by failing to order a mental health consultation or evaluation, but remands the case for further consideration of the Plaintiff's credibility and the evidence contained in Dr. J. Craig Ryland's report.

Accordingly, the court **ACCEPTS IN WHOLE** the magistrate judge's report and recommendation under 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). It is **ORDERED**, for the reasons stated in the report and recommendation, which the Court adopts and incorporates into its ruling, that the Plaintiff's Motion for Summary Judgment [Doc. 12] is **GRANTED IN PART** and **DENIED IN PART**; that the Commissioner's Motion for Summary Judgment [Doc. 16] is **GRANTED IN PART** and **DENIED IN PART**; and that this case is **REMANDED** to the Commissioner for reconsideration.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge